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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,597	11/13/2003	Peter Wung	1023-232US01	9010

28863 7590 06/06/2005
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ST. PAUL, MN 55125

EXAMINER

GREENE, DANA D

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,597

Applicant(s)

WUNG, PETER

Examiner

Dana D. Greene

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The Examiner has given full consideration to the Applicant's response filed on 3-9-05. Unfortunately, Applicant's arguments are not persuasive and do not overcome the rejection of claims 1-38.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Amended claims 1 and 22 and claims 4-9, 11-16, 18, 19, 25-29, and 31-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sellers (US 5,687,562, hereinafter "Sellers") in view of Higginbotham et al. (US 5,896,575, hereinafter "Higginbotham"). Sellers is considered to disclose:

an emergency medical device comprising: at least one sensor to measure one or more patient parameters (see col. 1, ln. 18-22, Sellers). The disclosed electrodes are

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considered to anticipate the claimed sensors because both are attached to the patient for recording and analyzing physiological data from the patient;

a first display monitor to display at least a first subset of the patient parameters to an operator; and a second display monitor to display at least a second subset of the patient parameters to the operator (see col. 4, ln. 30-50, Sellers). The disclosed physiological monitor and user displays are considered to anticipate the claimed first and second display monitors because both devices display patient parameters to the operator of the medical device. Sellers is considered to disclose the claimed invention as discussed above except for the claimed different directional orientation. However, Higginbotham is considered to disclose the claimed display configuration (see col. 1, ln. 40-50, Higginbotham). It would have been obvious to one of ordinary skill in the art to combine the teachings of Sellers with the different orientation teaching found in Higginbotham for the purpose of continuous viewing of patient parameters in order to constantly monitor the condition of the patient by the medical device operator.

Dependent claims 4-9 and 25-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sellers in view of Higginbotham. Sellers is considered to disclose the claimed invention as discussed above including the claimed housing and cover configuration (see col. 2, ln. 45-55, Sellers). As discussed above, it would have been obvious to combine the teachings of Sellers with Higginbotham for the purpose of transmitting patient parameters via telemetry to a monitoring location.

With reference to claim 15, Sellers is considered to disclose:

a port that electrically couples to the first display monitor (see col. 5, ln. 20-25, Sellers).

Claims 2, 3, 17, 23, 24, and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sellers in view of Higginbotham and further in view of Winkler (US 5,345,362, hereinafter "Winkler"). Sellers is considered to disclose the claimed invention as discussed above except for the claimed perpendicular configuration of the first and second display monitors. However, Winkler discloses a display screen, which can be readily adjusted into a plurality of viewing angles including a perpendicular configuration (see col. 3, ln. 62-68, fig. 8, Winkler). Further, Winkler teaches a display screen that is movable from a closed position in which it is substantially parallel with an upper surface of the apparatus, to any plurality of open positions wherein the display can be viewed by the operator (see abstract, Winkler). It would have been obvious to one of ordinary skill in the art to combine the teachings of Sellers with the perpendicular and parallel configurations of Winkler for the purpose of plane arrangement.

Referring to claims 17 and 38, Sellers is considered to disclose the claimed invention as discussed above except for the claimed display that is a component of a portable or laptop computer or device. However, Winkler discloses a portable computer apparatus, which has a dual-pivot articulating display screen, which can be readily adjusted into a plurality of angles and easily transported (see col. 3, ln. 62-68, Winkler). It would have been obvious to one of ordinary skill in the art to combine the teachings of Sellers with the laptop computer or portable electronic device of Winkler for the purpose of electronic information mobility.

Dependent claims 10, 20-21, 30, and 36-37 stand rejected under 35 U.S.C.

§103(a) as being unpatentable over Sellers in view of Higginbotham and further in view of Kirchgeorg (U.S. Patent No. 6,327,497, hereinafter "Kirchgeorg"). Referring to claims 10 and 30, Sellers is considered to disclose the claimed invention as discussed above except for the claimed handle adjacent to the first and second display monitors.

However, Kirchgeorg discloses a handle for carrying the unit to a victim or patient allowing the user to look only at the face of the unit to view the various displays for the different systems (see col. 2, ln. 46-52, Kirchgeorg). It would have been obvious to one of ordinary skill in the art to combine the teachings of Sellers and Higginbotham with the handle on the top part of the medical device as disclosed in Kirchgeorg for the purpose of transporting the device. Referring to claims 20-21 and 36-37, Sellers is considered to disclose the claimed invention as discussed above except for the external defibrillator and diagnostic emergency medical device. However, Kirchgeorg discloses an emergency oxygen unit and oximetry system combined with an automatic external defibrillator (see col. 3, ln. 16-23, Kirchgeorg). It would have been obvious to one of ordinary skill in the art to combine the teachings of Sellers and Higginbotham with the external defibrillator and diagnostic device as disclosed in Kirchgeorg for the purpose of transporting the device.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana D. Greene whose telephone number is (571) 272-7138. The examiner can normally be reached on M-F 9-6.

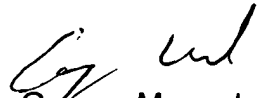
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-7138. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dana D. Greene


George Manuel
Primary Examiner